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Registered Representative

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Our Case No. 9799940/0086  
Cypress Ref. No. PM00027

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of Sundar Narayanan )

Serial No. 09/753,011 )

Filing Date of January 2, 2001 )

Examiner: J. Jones

For: METHOD OF MAKING UNIFORM  
OXIDE LAYER )

Group Art Unit No.: 2812

**37 C.F.R. §1.131 DECLARATION**

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir,

I, Sundar Narayanan ("I" or "Affiant") hereby declare as follows:

1. I am the sole inventor of the subject matter that is claimed and for which a patent is sought on the invention entitled Method of Making Uniform Oxide Layer, having the Serial No. 09/753,011 and filed on January 2, 2001 ("011 patent application").

2. In the Office Action mailed on July 18, 2002, the Examiner cited as prior art under 35 U.S.C. §102(e) the reference Wu (U.S. Pat. No. 6,410,403) to reject all pending claims.

3. This is a declaration of prior invention to overcome Wu. As inventor of the subject matter of the rejected claims, I hereby submit this oath to overcome Wu.

**I. Showing of Facts Through Document Evidence**

4. Below are facts that show a conception of the invention on or before November 2, 2000, the filing date of Wu, as well as reasonable diligence from on or before November 2, 2000 to January 2, 2001, the filing of the '011 patent application, i.e. the constructive reduction to practice thereof.

**A. Facts establishing conception**

5. The facts of the Exhibits are hereby incorporated by reference. Moreover, the facts below establish a conception of the invention on or before the November 2, 2000 effective date of Wu.

**1. Conception**

6. Exhibit A is a photocopy of an invention disclosure form submitted by me to Cypress Semiconductor Corp., my employer and the assignee of the '011 patent application. This invention report was completed and submitted before November 2, 2000. The date information has been redacted. This invention report shows conception of the invention claimed in the '011 patent application.

**2. Effective date of Wu**

7. As indicated on the Wu patent, the date on which Wu was available as prior art under 35 U.S.C. §102(e) was November 2, 2000, namely, the U.S. filing date of Wu. Accordingly, the date for the '011 patent application to overcome is November 2, 2000.

**3. On or before the effective date of Wu**

8. I allege that the aforementioned acts relied upon to establish the date of conception on or before the Wu reference occurred on or before November 2, 2000.

**B. Facts establishing reasonable diligence**

9. I present the below facts to establish that there was reasonable diligence from on or before the November 2, 2000 to the constructive reduction to practice of the present invention.

10. The present invention was constructively reduced to practice on January 2, 2001, when the '011 patent application was filed in the United States.

11. As noted above, conception occurred on or before the November 2, 2000 filing date of Wu. I assert that there was reasonable diligence from on or before November 2, 2000 to the constructive reduction to practice on January 2, 2001.

12. The time period between conception as of November 2, 2000 and the January 2, 2001 date of constructive reduction to practice is two months. During this time period, Affiant and Affiant's representatives worked reasonably hard and expeditiously to prepare, execute, and file the respective patent application in the United States.

**II. Allegations and Other Statements**

13. I allege that the acts relied upon to establish the date on or before Wu were carried out in one of (i) this country, (ii) in a NAFTA country, (iii) in a WTO member country, and (iv) as provided for under 35 U.S.C. §119 and 35 U.S.C. §365. Moreover, I allege that the above subject matter used to antedate Wu possesses utility.

**III. Signatures and Declaration in Lieu of Oath Under 37 CFR 1.68**

14. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

N. Sundar Narayanan      11/12/02  
Sundar Narayanan      Date



COPY

DECLARATION FOR PATENT APPLICATION

Case No. 10200/8

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled Method Of Making Uniform Oxide Layer, the specification of which:

- ☐ is attached hereto.
- ☒ was filed on January 2, 2001 as Application Serial No. 09/753,011.
- ☐ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability as defined in Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

(Application Serial No.)	(Filing Date)
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I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

(Application Serial No.)	(Filing Date)	(Status-patented, pending, abandoned)
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Signature	<u>Sundar Narayanan</u>	Date:	<u>5/18/2001</u>
Full name of sole or first inventor	<u>Sundar Narayanan</u>		
Residence	<u>3423 Fowler Avenue, Santa Clara, CA 95051</u>		
Citizenship	<u>India</u>		
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